Docket No. S-93,994

## **Declaration and Power of Attorney For Pat nt Application**

## **English Language Declaration**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

MODIFIED CELLULOSE SYNTHASE GENE FROM ARABIDOPSIS THALIANA CONFERS HERBICIDE RESISTANCE TO PLANTS

the specification of which

·			
(check one)			
☑ is attached hereto.			
us filed on		_ as United States Application No.	or PCT International
Application Number			
and was amended on			
		(if applicable)	
		erstand the contents of the above in endment referred to above.	dentified specification,
I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.			
I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.			
Prior Foreign Application(s	)		Priority Not Claimed
(Number)	(Country)	(Day/Month/Year Filed)	_
(Al.,	(Country)	(Day/Month/Year Filed)	
(Number)	(Country)	(Day/Month/Teal Thed)	
(Number)	(Country)	(Day/Month/Year Filed)	

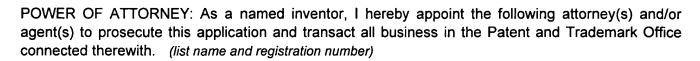
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(Application Serial No.)	(Filing Date)	
(Application Serial No.)	(Filing Date)	
(Application Serial No.)	(Filing Date)	
		nited States application(s), or Section d States, listed below and, insofar a
the subject matter of each of the cl PCT International application in the I acknowledge the duty to disclose known to me to be material to became available between the filin	laims of this application is not one case manner provided by the first per to the United States Patent apparentability as defined in Ti	disclosed in the prior United States of caragraph of 35 U.S.C. Section 112 and Trademark Office all information tle 37, C. F. R., Section 1.56 which and the national or PCT Internations
the subject matter of each of the cl PCT International application in the I acknowledge the duty to disclose known to me to be material to	laims of this application is not one case manner provided by the first per to the United States Patent apparentability as defined in Ti	disclosed in the prior United States of paragraph of 35 U.S.C. Section 112 and Trademark Office all information tle 37, C. F. R., Section 1.56 whice

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Filing Date)

(Status) (patented, pending, abandoned)

(Application Serial No.)



Paul A. Gottlieb	26,766	Robert J. Fisher	26,163
William R. Moser	24,763	Thomas G. Anderson	27,767
Robert J. Marchick	27,057	Mark P. Dvorscak	34,492
Michael P. Hoffman	30,183	Daniel D. Park	37,413
Virginia B. Caress	34,062	Joy Alwan	40,486
John T. Lucas	36,860	Connie B. Berg	46,548
		Mark F. LaMarre	34,856
		Bradley W. Smith	34,436

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Sole or first inventor's signatu	re Chir R.	Someriele /	October 1, 2000
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Second inventor's signature	Wolf Suids	
Residence	USA	
Citizenship	German	<u>,                                      </u>
Post Office Address	886 Roble Ave, Menlo Park CA 94025	5

## S. Department of Energ

## PATENT ASSIGNMENT FORM

WHEREAS, we, <u>Chris R. Somerville</u> citizen of the United States residing
in Portola Valley. County of San Mateo. State of California
and Wolf Schieble, citizen of Germany residing
in Menlo Park, county of San Mateo, State of Calyonia
have invented certain new and useful improvements in MODIFIED CELLULOSE
SYNTHASE GENE FROM ARABIDOPSIS THALIANA CONFERS HERBICIDE RESISTANCE TO
<u>PLANTS</u> , for which we are about to file an application for United States
Letters Patent identified as $8-93,994$ and executed by us on the $1st$ day
of $\underline{\text{October}}$ 20 $\underline{\text{O0}}$ ; and on the $\underline{\text{1st}}$ day of $\underline{\text{October}}$ 20 $\underline{\text{O0}}$ ;
WHEREAS, the Government of the United States desires to acquire the entire right, title, and interest in and to said invention and in and to any Letters Patent wherever they may be issued thereon;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar to us in hand paid by the Government of the United States, and for other good and valuable consideration, the receipt of which is hereby acknowledged, we by these presents do sell, assign, and transfer unto the said Government of the United States, as represented by the united States Department of Energy, and/or its assigns, the entire right, title, and interest in and to the said invention and in and to any and all Letters Patent wherever they may be granted thereon as well as reissues and extensions of said Letters Patent are or may be granted, reissued, or extended, as fully and entirely as the same would have been held or enjoyed by us had this assignment not been made.

We agree to make, execute, and deliver unto the Government of the United States, or to the United States Department of Energy, any and all papers, documents, affidavits, renewal, divisional and reissue applications, statements, or other instruments in such usual or other forms, terms and contents as may be required by the United States Department of Energy, or its duly authorized representative, in or incident to the prosecution or conduct of any and all applications, before as well as after the issuance of any Letters thereon, or in the adjustment or settlement of any interferences or other actions or proceedings that said applications may encounter or in which they may become involved and we agree that we will encounter or in which they may become involved and we agree that we will aid the Government of the United States in every way in protecting the inventions as may be requested by the United States Department of Energy or its assigns, except that any expenses arising through extending such assistance will be paid for by proper arrangement with the Government of the United States.

WITNESS:	INVENTORS:
Wolfgerg Lebowh	Wolf phille
(SEAL)	Date Oct. 1st, 2000
Ubelealdiledy (SEAL)	Chi R. Saneich
(SLAL)	Date Oct 1, 2000.
Approved and consented to this _	day of October, 2000.
ATTEST:	
(SEAL)	By
	Its
Accepted for the Benefit of the G	Government of the United States.
WITNESS:	UNITED STATES DEPARTMENT OF ENERGY
	By